

### **REMARKS**

In view of the following remarks, the Examiner is requested to allow Claims 23-31, 36-42 and 45-51, the only claims pending and under examination in this application.

Claims 23, 31, 36, 41 and 45 are amended to clarify the claim language and include the element of a data lead port. Support for the element of a data lead port may be found on page 7, lines 1 to 4, where the device is described as a being based on a modified version of the Tiny Talk device. Tiny Talk specification pages are enclosed with this response and clearly demonstrate that these devices include a data lead port, i.e., for using a data lead to connect the device to a host computer. As such, these lines in the specification in fact inform one of skill in the art that the device of the disclosed embodiment includes a data lead port. Accordingly, this amendment does not introduce new matter to the application. In addition, Claim 23 has been amended to include the limitation of Claim 30, which has correspondingly been cancelled. AS the above amendments introduce no new matter to the application, their entry by the Examiner is respectfully requested.

### ***Claim Objections***

Objections were made to Claims 36 and 45. In view of the above amendments, these objections are moot.

### ***Claim Rejections – 35 U.S.C. § 112, first & second paragraph***

Claims 23-31, 36-42 and 45-51 were rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement. Without in any way agreeing with the position of the Office, the terms and phrases upon which the Examiner based this rejection have been removed from the claims. As such, this rejection may be withdrawn.

Claims 23-31, 36-42 and 45-51 were rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for use of the phrases "a long period of time", "easily lost" and various "means for" phrases. As these phrases have been removed from the claims, this rejection may be withdrawn.

***Claim Rejections – 35 U.S.C. § 102***

Claims 23-31, 36-42 and 45-51 were rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Guice et al. (U.S. Application Publication No. 2002/0010390). Guice discloses an automated livestock monitoring system that is based on wireless communication protocols. As such, no where is it seen where Guice discloses a device with a data lead port. In fact, such an element would have no use in Guice's system because Guice's system is fundamentally based on wireless communication.

Therefore, the Applicant submits that Guice fails to anticipate the instantly claimed invention and respectfully request that the 35 U.S.C. § 102(e) rejection of Claims 23-31, 36-42 and 45-51 be withdrawn.

**CONCLUSION**

Applicant submits that all of the claims are in condition for allowance, which action is requested. If the Examiner finds that a telephone conference would expedite the prosecution of this application, please telephone Bret Field at (650) 833-7770.

The Commissioner is hereby authorized to charge any underpayment of fees associated with this communication, including any necessary fees for extensions of time, or credit any overpayment to Deposit Account No. 50-0815, order number STHP-018.

Respectfully submitted,

BOZICEVIC, FIELD & FRANCIS LLP

Date: February 26, 2010

By: /Bret E. Field, Reg. No. 37,620/  
Bret E. Field  
Registration No. 37,620

encs:

- TinyTalk description and TinyTalk Lead description

BOZICEVIC, FIELD & FRANCIS LLP  
1900 University Avenue, Suite 200  
East Palo Alto, California 94303  
Telephone: (650) 327-3400  
Facsimile: (650) 327-3231